A SHORT HISTORICAL ACCOUNT TOUCHING THE Succeſſion of the Crown.

IN the Heptarchy, there was no fixt Hereditary Right; one King tripping up the heels of another, as he had power, till one got all.

Afterward no fixt Hereditary Right; for *Athelſtan*, the Great King, was a *Baſtard*; and ſo were ſeveral others; who by their Courage and Policy, got the Crown; ſo that a Law was made, under the *Saxon* Monarchy, *de Ordinatione Regnam*, that directed the Election of Kings, prohibiting *Baſtards* to be Elected.

Edward the Confeſſor was not King, *Jure hæreditario.*

William the Firſt (called the *Conqueror*) had no Right, but from the peoples Election.

William Ruffus was Elected againſt the Right of his Elder Brother.

Henry the Firſt came in by the ſame way.

King *Stephen* was Elected, *a Clero & Populo*, and Confirmed by the Pope.

Henry the Second came in by conſent; yet he had no Hereditary Right, for his Mother was Living.

Richard the Firſt was charged before God and Men, by the Archbiſhop, upon his Coronation, that he ſhould not preſume to take the Crown, unleſs he reſolved faithfully to obſerve the Laws.

King *John*, his Brother, becauſe his Elder Brothers Son was a Foreigner, was Elected *a Clero & Populo*, and being Divorced from his Wife, by his new Queen he had *Henry* the Third.

Henry the Third was Confirmed, and Settled in the Kingdom, by the General Election of the People; and in his Life time, the Nation was ſworn to the Succeſſion of *Edward* the Firſt, before he went to the *Holy Land.*

Edward the Firſt being out of *England*, by the Conſent of Lords and Commons was Declared King.

Edward the Second being miſlead, and relying too much upon his Favourites, was Depoſed, and his Son was Declared King in his Life time.

Richard the Second, for his evil Government, had the Fate of the Second *Edward.*

Henry the Fourth came in by Election of the People, to whom Succeeded *Henry* the Fifth, and *Henry* the Sixth, in whoſe time *Richard* Duke of *York* claimed the Crown; and an Act of Parliament was made, that *Henry* the Sixth ſhould enjoy the Crown for his Life, and the ſaid Duke after him; after which, King *Henry* raiſes an Army, by Aſſiſtance of Queen and Prince; and at *Wakefield*, in Battel, kills the Duke; for which, 1 *Ed.* 4. they were all, by Act of Parliament, Attainted of Treaſon; and one principal Reaſon thereof, was, for that the Duke being Declared Heir to the Crown, after *Henry*, by Act of Parliament, they had killed him.

Edward the Fourth enters the Stage, and leaves *Ed.* 5. to Succeed, to whom Succeeds *Richard* the Third, Confirmed King by Act of Parliament, upon Two *Reaſons: Firſt*, That by reaſon of a Precontract of *Edward* the Fourth, *Edward* the Fifth, his Eldeſt Son, and all his other Children were Baſtards. *Secondly*, For that the Son of the Duke of *Clarence*, ſecond Brother to *Edward* the Fourth, had no Right, becauſe the Duke was Attainted of Treaſon, by a Parliament of *Ed.* the 4*th.*

Henry the Seventh comes in, but had no Title; *First*, Becauſe *Edward* the Fourth's Daughter was then living: *Secondly*, His own Mother, the Counteſs of *Richmond*, was then living.

After him, *Henry* the Eighth wore the Crown, who could have no Title by the Father; in his time the Succeſſion of the Crown was limited ſeveral times, and the whole Nation ſworn to the obſervance.

Sir *Thomas Moor* Declared, That the Parliament had a power to bind the Succeſſion, which was Declared to be Law by 13 *El. cap.* 1. and made a *Præmunire* to hold the contrary.

Edward the Sixth Succeeded, but his Mother was Married to King *Henry*, while *Ann* of *Cleve*, his Wife, was living.

Queen *Mary* was Declared a *Baſtard*; and by virtue of an Act of Parliament, of *Henry* the Eighth, ſhe Succeeded; which Act being Repealed in the Firſt of her Reign, and the Crown being Limitted otherwiſe by Parliament, all the Limitations of the Crown in King *Henry* the Eighth's Reign were avoided; ſo that

Queen *Elizabeth*, who was Declared a *Baſtard*, by Act of Parliament in *Henry* the Eighth's time, and Limitted to Succeed, in another Act in his time, and that Act Repealed by Queen *Mary*, became Queen in the force of her own Act of Parliament, which Declares her Lawful Queen.

The Crown was entail'd in *Richard* the Second's time; again, in the time of *Henry* the Fourth; again, in the time of *Henry* the Sixth; again, in the time of *Edward* the Fourth; again, in the time of *Richard* the Third; again, in the time of *Henry* the Seventh; thrice in the time of *Henry* the Eighth.

And upon the Marriage of Queen *Mary* to King *Philip* of *Spain*, both the Crowns of *England* and *Spain* were entailed; whereby it was provided, that of the ſeveral Children to be Begotten upon the Queen, one was to have the Crown of *England*, another *Spain*, another the *Low Countries*; the Articles of Marriage to this purpoſe, were Confirmed by Act of Parliament, and the Pope's Bull.

So that it was agreed by the States of both Kingdoms, and the *Low Countries*, and therefore, probably, the Univerſal Opinion of the great Men of that Age; That Kings and Sovereign Princes, with the conſent of their States, had a power to alter and bind the Succeſſion of the Crown; and never denied to be Law till the Reign of King *Charles* the Second.

1 Jac. 1. *cap.* 1. True it is, that this Doctrine doth not go down well with thoſe that do pretend to prerogative, added (as they ſay) by the Act of *Recognition* made to King *James*; and the Oathes of *Supremacy* and *Allegiance*, which do make ſo much talk concerning Inheritance and Heirs: But let theſe Gentlemen conſider, that the Act of *Recognition* made no Law for the future; nor doth the ſame croſs the Statute of 13 *Eliz.* nor doth it take away the power of the Parliament from over-ruling the Courſe of the Common Law for after Ages. Nor do the Oathes of *Allegiance* and *Supremacy* hold forth any ſuch Obligation unto Heirs, otherwiſe than as ſuppoſing them to be Succeſſors, and in that Relation only. And therefore, was no ſuch Allegiance due to *Edward* the Sixth, Queen *Mary*, or Queen *Eliz.* until they were actually poſſeſt of the Crown,

35 H. 8. *cap* 1. as may appear by the Oath forced by the Statute of *H.* 8. touching their Succeſſion. Nor did the Law ſuppoſe any Treaſon could be acted againſt the Heirs of *Ed.* 6. Queen

6 E. 6. 11. *Mary*, or Queen *Eliz.* until theſe Heirs were actually poſſeſt of the Crown, and ſo

1, 2, 2. *Om.* 10. were Kings and Queens, as by the expreſs words in the ſeveral Statutes do appear.

1 El. 6. Nor did the *Recognition*, by the Parliament made to Queen *Eliz.* Declare any engage-

1 El. 3. ment to the people to aſſiſt, and defend Her and the Heirs of Her Body, otherwiſe than with this Limitation, being Kings and Queens of this Realm, or by the Statute in that behalf made doth appear. Moreover, had theſe Oathes being otherwiſe underſtood, the Crown had by virtue of them been preingaged, ſo as it could never have Deſcended to Queen *Mary*, Queen *Elizabeth*, or King *James*, but muſt have remained to the Heirs of *Edward* the Sixth for ever.

LONDON, Printed for *Richard Baldwin*, in the Year 1689.

134908

UMI